to the public; the other, that it belongs to the landowner. But each theory is subject to provisos and limitations which, in the great majority of cases, would bring about the same result, whichever theory is adopted. The public right, under the first theory, is subject to be exercised with due regard to the interests of the landowner. On the other hand the ownership of the landowner, under the second theory, is burdened by a right of passage for the public. The German Civil Code, Article 905, states that the right of the owner of the land extends to the entire air space above the surface; but adds: "The owner may not, however, forbid interference which takes place at such a height . . . that he has no interest in its prevention."

Mr. Hazeltine inclines to the second theory, qualified as above stated (pp. 76–78). And a similar view is taken by Mr. Valentine.[2] Whichever theory, with its accompanying restrictions, is adopted, the result is likely to be practically as follows:

(1) If the airship comes in contact with the land, or with objects upon the land, there will be, at the very least, a *primâ facie* liability.

(2) If the airship passes over the land at a great height, *e. g.* one mile, without causing any actual damage, there will be no liability.

(3) If the airship passes so near to the land, or under such circumstances as to impair substantially the beneficial user of the land, there will be liability.

Of course the facts can be varied so as to raise some fine points which we do not here discuss. Nor do we consider under what circumstances the action of trespass *quare clausum fregit* would have been an appropriate remedy under the old forms of action.

If damage to land or person results from the use of the airship without negligence or other fault on the part of the navigator, is he absolutely liable? Mr. Hazeltine inclines towards absolute liability (pp. 83–86). Mr. Valentine writing with special regard to Scotch law, takes the opposite view.[3] Even upon Mr. Valentine's view, a liberal application of the *res ipsa loquitur* doctrine would often enable a plaintiff to make out a *primâ facie* case.

Ultimately, some questions, which are now open ones, will be made the subject of statutory enactments.[4] Mr. Valentine, however, deprecates the "premature interference of the legislature"; and urges delay until experience has made it plain what the problems are which are important to be thus dealt with.[5]

Mr. Hazeltine has made an excellent book, and must have spent much time in making himself acquainted with recent utterances on this modern topic. The leading theories and arguments are very clearly stated. J. S.

SELECT CASES BEFORE THE KING'S COUNCIL IN THE STAR CHAMBER. Vol. II. A. D. 1509–1544; edited for the Selden Society by I. S. Leadam. (Being Vol. XXV of the publications of the Selden Society). London: Bernard Quaritch. 1911. pp. cxxxiv, 382.

The Selden Society volume for 1910 carries us away again into the realms of economic and institutional history. There is substantially nothing in the volume which makes its appeal on the legal side. The text itself, like that of the preceding volume on the Star Chamber, consists of the petitions and other

[2] 22 Juridical Rev. 95–96.

[3] 22 Juridical Rev. 99–101. Compare Judge Baldwin in 4 Am. J. of International Law, 101–102.

[4] See Judge Baldwin in 4 Am. J. of International Law, 101; and Mr. Hazeltine's Third Lecture, 128–135.

[5] See 22 Juridical Rev. 103.

papers in a number of cases addressed to the jurisdiction of the Star Chamber or one of its kindred quasi-courts. These documents are often exceedingly interesting to the antiquarian, but, even in the rare cases where the entire proceedings on the petition are extant, they add nothing to our knowledge of law — if indeed the Star Chamber could in any sense be regarded at this time as a court administering law. The introduction is both learned and interesting, but the only question of law mooted in it during its whole extent of one hundred and thirty pages is concerned with the right to prescribe for a villein in gross. The purpose of the Selden Society is "to encourage the study and advance the knowledge of the history of English Law." It is hardly too much to say that this volume is a valuable contribution to scholarship, but has no tendency to further the objects of the Society. With the Year Books of Edward II issuing at the speed of a snail, with those of Richard II still unpublished after more than five centuries, with the history of our law at its most interesting period still locked up in multitudes of unpublished rolls, and with the generation which instituted the Selden Society passing away without seeing its dream realized, the production of this matter on behalf of the Selden Society tends to make the judicious grieve. We may, however, hope for better things; for the volumes in preparation, besides more Year Books of Edward II, include a second volume of Professor Gross's Law Merchant, and a volume of Select Pleas in Ecclesiastical Courts.

One cannot criticize Mr. Leadam for not doing what he has not professed to do. Regarded as a study in institutional and economic history his Introduction is an excellent piece of work. If a lawyer is not especially interested in whether a suit in the Star Chamber should have begun with a letter of privy seal or a writ of subpœna, or whether it should be addressed to king or chancellor, or whether the members of the privy council and the judges of the common-law courts were real judges or only assessors in this court, these questions are of real and living interest to the antiquarian. And if the lawyer will find nothing new about the origin and development of the law of common, or of forestalling, or of vagabondage, the economic historian will be glad to find that the documents here printed are made the text for interesting essays on the scarcity and prices of corn, butter, and calves, on the inclosure disputes, on the quarrels of merchant and craft gilds, and on municipal expenses. We should be entirely glad to get this good work if it did not prevent us from getting what as lawyers we want even more.

Mr. Leadam's work is done carefully, lovingly, and in a scholarly manner. His proofreader, careful about the exact spelling of the Tudor documents, causes us to rub our eyes for a moment, in the report of an action begun *tempore* Henry VIII, by dating the decree November 7, 1911. Surely no court, even of Dickens' creation, could be so dilatory. J. H. B.